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Attorneys for Plaintiffs
TRI-VALLEY CARES, MARYLIA KELLEY,
JANIS KATE TURNER, and JEDIDJAH DE VRIES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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| TRI-VALLEY CARES, MARYLIA KELLEY, |) | Case No. 08-cv-01372-SBA |
| JANIS KATE TURNER, and JEDIDJAH DE |) | PLAINTIFFS' UNOPPOSED MOTION TO |
| VRIES, |) | ENLARGE TIME and SUPPORTING |
| |) | DECLARATION OF COUNSEL |
| |) | and |
| Plaintiffs, |) | [PROPOSED] ORDER THEREON |
| vs. |) | |
| UNITED STATES DEPARTMENT OF |) | Date: No hearing set |
| ENERGY, NATIONAL NUCLEAR |) | Time: No hearing set |
| SECURITY ADMINISTRATION, and |) | Judge: Hon. Sandra B. Armstrong |
| LAWRENCE LIVERMORE NATIONAL |) | |
| LABORATORY, |) | |
| Defendants |) | |

1 Pursuant to Civil Local Rule 6-3, Plaintiffs file this Unopposed Motion to Enlarge Time.
2 Plaintiffs ask the Court for permission to alter the deadline already fixed by the Court of May 2,
3 2008, by which time Plaintiffs were to file any motion to supplement the Administrative Record.
4 Plaintiffs respectfully request that this deadline be extended to May 9, 2008.

5 The enlargement of time is necessary in order to allow the parties more time to informally
6 resolve any issues relating to the content of the Administrative Record. Previously, the parties
7 have worked together to address a variety of concerns about the adequacy of the record. Recently,
8 a number of documents came to Plaintiffs' attention that may require supplementation of the
9 Administrative Record. Because Plaintiffs were unable to provide Defendants with a list of these
10 documents until May 2, 2008, it is currently unclear whether informal efforts will be able to
11 resolve these issues. As such, Plaintiffs seek a Court order stating that Plaintiffs shall have until
12 May 9, 2008, to file any motion to supplement the Administrative Record. This order will allow
13 the Court to conserve judicial resources that may otherwise have been spent addressing issues
14 relating to the adequacy of the Administrative Record; issues which are likely to be informally
15 resolved by the parties. Plaintiffs were unable to obtain a stipulation to the time change because of
16 time constraints. Defendants do not oppose this motion, and the requested time modification will
17 have no effect on the schedule for the case.

18 By prior stipulation, the parties agreed to attempt to informally resolve any issues relating
19 to the content of the Administrative Record. If these informal efforts were to fail, Plaintiffs agreed
20 to file any motion to supplement the Administrative Record by April 25, 2008. So as to allow
21 more time to informally resolve any issues relating to the adequacy of the Administrative Record,
22 a second stipulation extended the deadline for Plaintiffs to file any motion to supplement the
23 Administrative Record until May 2, 2008.

24 Pursuant to Local Rule 6-3(b), this motion was transmitted to Defendants' counsel by
25 facsimile on May 2, 2008, the same day it was filed.

26 Therefore, Plaintiffs ask the Court to grant this Unopposed Motion to Enlarge Time.
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Dated this 2nd day of May, 2008

/S/

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/S/

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DECLARATION OF COUNSEL

I, Robert J. Schwartz, hereby declare:

1. I am lead counsel for plaintiffs Tri-Valley CAREs, et al. and have personal knowledge of the following facts.

2. Before preparing this motion, I received an electronic mail communication from Barclay T. Samford, Trial Attorney, U.S. Department of Justice, counsel for the defendants in this matter, concerning the Administrative Record. Mr. Samford acknowledged the receipt of a memorandum identifying additional concerns with the adequacy of the Administrative Record. Mr. Samford further stated that the memorandum was forwarded to his clients, but that he would be unable to determine if the identified items are properly included in the Administrative Record on May 2, 2008. Finally, Mr. Samford noted that Defendants will not oppose a motion by Plaintiffs to extend the time for filing a motion to supplement the Administrative Record.

1 I declare under penalty of perjury that the foregoing facts are true of my personal
2 knowledge and that this declaration was executed in Livermore, California on May 2, 2008.

3 /S/
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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
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12 TRI-VALLEY CARES, MARYLIA) Case No. 08-cv-01372-SBA
13 KELLEY, JANIS KATE TURNER, and) **[PROPOSED] ORDER GRANTING**
14 JEDIDJAH DE VRIES,) **PLAINTIFFS' UNOPPOSED MOTION TO**
15 Plaintiffs,) **ENLARGE TIME**
16 vs.)
17 UNITED STATES DEPARTMENT OF)
18 ENERGY, NATIONAL NUCLEAR)
19 SECURITY ADMINISTRATION, and)
20 LAWRENCE LIVERMORE NATIONAL)
21 LABORATORY,)
22 Defendants)
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1 GOOD CAUSE APPEARING from Plaintiffs' Unopposed Motion to Enlarge Time,
2 IT IS HEREBY ORDERED that Plaintiffs shall have until May 9, 2008, to file any motion
3 to supplement the Administrative Record.

4 IT IS SO ORDERED.

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6 Dated: _____, 2008

Saundra Brown Armstrong
United States District Judge